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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,357	07/03/2001	Dennis P. Joyce	7000-075	1061

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EXAMINER

LY, NGHI H

ART UNIT PAPER NUMBER

2682

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,357

Applicant(s)

JOYCE ET AL.

Examiner

Nghi H. Ly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10. 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the appeal brief filed on 11/18/2002, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-23, 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart (US 6,091,956).

Regarding claims 1 and 25, Stewart teaches a method for delivering content to a mobile terminal comprising: determining a location of the mobile terminal (see abstract), determining a locality encompassing the location of the mobile terminal (see column 2 lines 58-67 or column 11 lines 23-33), accessing content based on the locality and delivering the content to the mobile terminal (also see column 2 lines 58-67 or column 11 lines 23-33).

Regarding claims 2 and 13, Stewart teaches the locality encompassing the mobile terminal is determined by: sending a request to a locality service to associate the location of the mobile terminal with a locality encompassing the location of the mobile terminal (see abstract and column 7 lines 50-59), receiving a response from the locality service identifying the locality encompassing the location of the mobile terminal (see abstract), and the locality service includes a plurality of locations defining geographic areas (also see abstract and column 7 lines 50-59).

Regarding claims 3 and 14, Stewart teaches the content is accessed by: sending a request to a content provider including the locality and receiving the content from the content provider (see abstract and column 7 lines 50-59).

Regarding claims 4 and 15, Stewart teaches the step of accessing content is further based on a type of content desired by a user of the mobile terminal (see column 5 lines 1-10 and column 5 lines 19-24).

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Regarding claims 5 and 16, Stewart teaches the step of accessing content is further based on characteristics of a user of the mobile terminal (see column 7 lines 50-59).

Regarding claims 6 and 17, Stewart teaches the locality defines a recognized geographic area (see column 4 lines 48-67).

Regarding claims 7 and 18, Stewart teaches the locality defines a geographic area about a point of presence for a content provider (see column 16 lines 34-51).

Regarding claims 8 and 19, Stewart teaches the content accessed based on locality relates to a point of presence within the locality (see column 16 lines 34-51).

Regarding claims 9 and 20, Stewart teaches accessing a profile associated with a user of the mobile terminal (see column 4 lines 48-59) and the step of accessing the content is further based on criteria within the profile such that the criteria further identifies the type of content to access (see column 5 lines 43-51).

Regarding claims 10 and 21, Stewart teaches accessing a profile associated with a point of presence with the locality (see column 16 lines 34-51) and the step of accessing the content is further based on criteria within the profile such that the criteria further identifies the type of content to access (see column 6 lines 49-59).

Regarding claims 11 and 22, Stewart teaches the locality encompassing the mobile terminal is determined by identifying a zone of acceptance about the location of the mobile terminal and identifying the locality at least partially covering the zone of acceptance (see abstract and column 8 lines 38-54).

Regarding claims 12 and 23, Stewart teaches a system for delivering content to a mobile terminal comprising an interface (see fig.1 number 15) and a control system (see fig.1 number 21) adapted to: determine a location of the mobile terminal (see column 4 lines 27-31), determine a locality encompassing the location of the mobile terminal (see abstract), access content based on the locality (see column 11 lines 23-33), and send the content to the mobile terminal (also see column 11 lines 23-33).

Regarding claim 26, Stewart teaches the relative proximity between the location of the mobile terminal and the location of the point of presence is determined by determining a locality encompassing the location of the mobile terminal (see abstract and column 2 lines 58-67).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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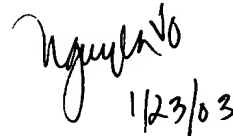
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Nghi H. Ly



January 21, 2003


1/23/03

NGUYENT.VO
PRIMARY EXAMINER